

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 431 be amended to read as follows:

- 1 Page 1, line 6, delete "stormwater" and insert "**storm water**".
- 2 Page 5, between lines 34 and 35, begin a new paragraph and insert:
- 3 "SECTION 13. IC 13-18-12-8 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) If a person who**
- 6 **operates a publicly or privately owned wastewater treatment**
- 7 **plant:**
- 8 **(1) discovers that a contaminant has entered the wastewater**
- 9 **treatment plant that would pose a threat to human health or**
- 10 **animal life if the contaminant is not effectively treated before**
- 11 **the contaminant is discharged into the waters of Indiana; and**
- 12 **(2) determines the wastewater treatment plant is not able to**
- 13 **effectively treat the contaminant;**
- 14 **the person must notify the department of the presence of the**
- 15 **contaminant at the wastewater treatment plant not more than**
- 16 **twenty-four (24) hours after the person determines the wastewater**
- 17 **treatment plant is not able to effectively treat the contaminant.**
- 18 **(b) If the department receives notification from a wastewater**
- 19 **treatment plant under subsection (a), the department must:**
- 20 **(1) notify all appropriate state and local government agencies;**
- 21 **and**
- 22 **(2) begin notifying the media;**
- 23 **not more than forty-eight (48) hours after receiving the notification**
- 24 **under subsection (a)."**
- 25 Page 6, between lines 21 and 22, begin a new paragraph and insert:
- 26 "SECTION 15. IC 13-30-6-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who
2 intentionally, knowingly, or recklessly violates:

- 3 (1) environmental management laws;
- 4 (2) air pollution control laws;
- 5 (3) water pollution control laws;
- 6 (4) a rule or standard adopted by one (1) of the boards; or
- 7 (5) a determination, a permit, or an order made or issued by the
- 8 commissioner under environmental management laws or IC 13-7
- 9 (before its repeal);

10 commits a Class D felony.

11 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
12 a Class D felony under this section (or IC 13-7-13-3(a) before its
13 repeal) may, in addition to the term of imprisonment established under
14 IC 35-50-2-7(a), be punished by:

- 15 (1) a fine of not less than ~~two five thousand five hundred~~ dollars
16 ~~(\$2,500)~~ **(\$5,000)** and not more than ~~twenty-five fifty~~ thousand
17 dollars ~~(\$25,000)~~ **(\$50,000)** per day of violation; or
- 18 (2) if the conviction is for a violation committed after a first
19 conviction of the person under this section (or IC 13-7-13-3(a)
20 before its repeal), a fine of not more than ~~fifty one hundred~~
21 thousand dollars ~~(\$50,000)~~ **(\$100,000)** per day of violation.

22 SECTION 16. IC 13-30-6-3 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A person who
24 knowingly:

- 25 (1) transports any hazardous waste to a facility that does not have
- 26 an operation permit or approval to accept the waste;
- 27 (2) disposes, treats, or stores any hazardous waste without having
- 28 obtained a permit for the waste; or
- 29 (3) makes a false statement or representation in an application, a
- 30 label, a manifest, a record, a report, a permit, or other document
- 31 filed, maintained, or used under environmental management laws
- 32 with regard to hazardous waste;

33 commits a Class D felony.

34 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
35 a Class D felony under this section may, in addition to the term of
36 imprisonment established under IC 35-50-2-7(a), be punished by:

- 37 (1) a fine of **not less than two thousand five hundred dollars**
38 **(\$2,500)** and not more than ~~twenty-five fifty~~ thousand dollars
39 ~~(\$25,000)~~ **(\$50,000)** for each day of violation; or
- 40 (2) if the conviction is for a violation committed after a first
41 conviction of the person under this section, IC 13-30-6-1,
42 IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not
43 more than ~~fifty one hundred~~ thousand dollars ~~(\$50,000)~~
44 **(\$100,000)** per day of violation."

45 Renumber all SECTIONS consecutively.

(Reference is to ESB 431 as printed February 17, 2000.)

Representative KRUZAN